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June 7th, 2016 Minutes

Brookings County Planning & Zoning Commission
June 7th, 2016 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Robbins called the meeting to order at 8:06 PM. Commission members present were: Lee Ann Pierce, Robert Rochel, Kimberly Elenkiwich, Darrell Nelson, Darrel Kleinjan, Terrell Spence, Michael Vande Weerd, Randy Jensen, and alternate board members Tom Davis and Roger Erickson.

Chair Robbins read **agenda item # 2: Approval of minutes from May 3rd, 2016 meeting.** Darrell Nelson moved to approve the minutes Terrell Spence second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins welcomed new board member Michael Vande Weerd who is finishing out the term left by Laurie Nichols.

Chair Robbins read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Robert Hill noted that Luke Muller from First District Association of Local Governments would be speaking to the board following the subcommittee reports.

Chair Robbins read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Robbins read **agenda item # 5: Approval of Agenda.** Robert Rochel moved to approve the agenda. Darrel Kleinjan second. Chair Robbins called for a voice vote. 9-ayes and 0-nays, motion carried.

Chair Robbins stated, "We are now acting as the Brookings County Board of Adjustment", read the opening statement and **agenda item # 6: 2016var010: Myron Pomrenke has made an application, 2016var010, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 "A" Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: "Tract about 1.35 acres in SE1/4 SE1/4 Section 4, T111N, R48W (Sherman Township)" ~~ located at 20297**

481st Ave., White, SD 57276. Randy Jensen moved to approve the variance request. Terrell Spence second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Pomrenke has applied for a variance to build a 28 foot wide X 40 foot long detached garage, approximately 56 feet from the center of 481st Avenue. This would be a variance of 77 feet. Mr. Pomrenke's lot is an old school lot which is an allowed use in Brookings County. In 1994 he was granted a variance to build a house with an attached garage, the garage is 75 feet from the center of 481st Avenue" Mr. Haugen then described the site location and noted hardships being: 1) shape and size of the lot, 2) location of an old well, 3) location of buried school and exposed foundation. He also noted that letters were sent and no comments were received from adjoining landowners or Sherman Township. Chair Robbins asked Mr. Pomrenke to come forward and address the board. Mr. Pomrenke was not in attendance. Chair Robbins then opened up for questions from the board. Chair Robbins asked for verification that existing buildings would remain where located and also confirm that the township and South Dakota DOT had no issues. Mr. Haugen stated, "As far as I know the existing building will stay and no comments were received from the township or the SD DOT. Chair Robbins then opened up to the audience for questions or comments, hearing none. Chair Robbins asked for additional comments from the board. Board member Rochel brought up a question regarding traffic on the road. Board members discussed and reviewed map of the area. Chair Robbins asked for additional comments from the board hearing none he called for a roll-call vote: Pierce-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Robbins-aye. 9-ayes, 0-nays, motion carried. Chair Robbins then noted that findings of facts needed to be presented and instructed Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair noted that the vote would stand.

Chair Robbins stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 7: 2016cu010: Duane Harms has made an application, 2016cu010, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake Park District: Section 13.01: Conditional Use Permit # 1: Twin Homes. The property is described as: "Lot 4 & 5A of Block 1 in Lake Park Second Addition in the E1/2 NE1/4 & Govt. Lot 7 All in Section 28, T109N, R50W (Medary Township)".** Lee Ann Pierce moved to approve the conditional use request. Kimberly Elenkiwich second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Harms has applied for a Lake Park Conditional Use #1: Twin Homes on two separate lots. They will meet all the non-lake front setbacks. On August 22, 2013 the Brookings County Planning and Zoning Commission granted 2013cu009 to build twin homes on Lots 4, 5 and 6. He has built one twin home on Lot 6. The 2013cu009 will expire on August 22, 2016 and he would like to continue building twin homes on Lot 4 & Lot 5A. Lot 5A was re-platted for a property line adjustment with the sale of the twin home on Lot 6. The lots exceed the square foot requirements for twin homes. Letters were sent to adjoining landowners and the

Township Clerk and Chairman and no comments were received.” Chair Robbins asked Mr. Harms to come forward and address the board. Mr. Harms stated, “This is really just a renewal, we came before the Planning and Zoning three years ago for Lots 4, 5 & 6. We were intending to build 3 structures and as we learned it took about a year and a half to get the infrastructure in place and get the first structure done. We would like to proceed if approved with either lot 4 or 5 and build another structure. Hopefully within the next three years complete the cycle with the third one. Our promise with the neighbors is to only build 3 structures.” Chair Robbins opened up for questions from the board. Mr. Haugen noted that he had photos of the site and presented them to the board. Chair Robbins asked for further comments from the board, hearing none he opened up to the audience, hearing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Rochel-aye, Nelson-aye, Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Pierce-aye, Robbins-aye. 9-ayes, 0-nays, motion carried.

Chair Robbins read **agenda item # 8: 2016cu011: Red Willow Hutterian Brethren Inc by Jerry Waldner has made an application, 2016cu011, to the Brookings County Planning and Zoning Commission for a conditional use. Article 11: Section 11.01: “A” Agricultural District, Conditional Use # 2: Cemetery. The property is described as: “N1/2 Section 29, T112N, R49W (Argo Township)” ~~ located at 20019 474th Ave, Brookings, SD 57006.** Robert Rochel moved to approve the conditional use request. Randy Jensen second. Chair Robbins opened for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Red Willow Colony is applying for a conditional use permit for a cemetery. They are in the process of developing a homestead with the construction of residences, a church, a school and a shop. There are 16 families currently living there and the cemetery would be used for members of the colony. The cemetery will be located North of the building site.” Mr. Haugen went over the cemetery map that was presented to them at the meeting. He noted that if approved a final copy of the map would need to be filed with the Register of Deeds as required by codified law. Mr. Haugen also stated, “Letters were sent to adjoining landowners and the Argo Township Chairman and Clerk. The only comment received was from adjoining landowner, Helen Schold. She called on June 3, 2016 and stated that she was opposed to the cemetery.” Mr. Haugen then used visuals to go over the site plan. Board member Pierce asked for a clarification on the location of the land of the landowner that was opposed to the cemetery. Chair Robbins opened for questions from the board and asked Mr. Waldner to address the board. Mr. Waldner stated, “The location was selected due to the water table levels. Board member Nelson asked Mr. Haugen if any specific information was received from the landowner that was opposed to the cemetery. Mr. Haugen stated, “She (Ms. Schold) didn’t give a specific reason, she just expressed that she was opposed to it.” Chair Robbins opened up for questions from the audience, hearing none. Chair Robbins asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Nelson-aye,

Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Pierce-aye, Rochel-aye, Robbins-aye. 9-aye, 0-nays, motion carried.

Chair Robbins read **agenda item #9: 2016cu012: Richard Ahlstrom has made an application, 2016cu012, to the Brookings County Planning and Zoning Commission for a conditional use; Article 13.00: "LP" Lake Park District: Section 13.01: Conditional Use Permit # 6: Accessory building with a side-wall greater than ten (10) feet or more than 1,000 square feet. The property is described as: "E 260' of W1503' of Govt Lot 3 Exc S 75' in NW1/4 Section 28, T109N, R50W (Medary Township)" -- located at 2500 Lake Shore Dr, Volga, SD 57071.** Lee Ann Pierce moved to approve the conditional use request. Michael Vande Weerd second. Chair Robbins opened for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Mr. Ahlstrom has applied for a conditional use to build a 36 foot wide x 30 foot deep x 9 foot sidewall detached garage (1,080 square feet) on a lake front lot. It is located in the Lake Park District and meets or exceeds all the setback requirements of 25 feet from the road, 8 feet side setbacks and 75 feet from the high water mark. Letters were sent to the adjoining landowners and the Medary Township Chairman and Clerk, and no comments were received." Mr. Haugen then went over the visuals of the site plan and noted that Mr. Ahlstrom's property was at the end of Lake Shore Drive. Chair Robbins asked Mr. Ahlstrom to address the board. Mr. Ahlstrom stated, "We would like to locate a garage closer to the house and large enough and deep enough to keep a boat on a trailer in it over the winter that is why we exceeded the size." Chair Robbins opened up for questions or comments from the board. Board member Pierce asked a question regarding the driveway and the existing garage structure. Chair Robbins asked for further comments from the board, hearing none he opened up for questions or comments from the audience, hearing none. Chair Robbins asked for additional comments from the board. Board member Rochel note he just wanted to make a comment, "It appears that the location of the garage won't interfere with anyone's view of the lake, there are already trees there anyway so I don't see any problem with it." Chair Robbins asked for further comments, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Robbins called for a roll-call vote: Kleinjan-aye, Vande Weerd-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Pierce-aye, Rochel-aye, Spence-aye, Robbins-aye. 9-aye, 0-nays, motion carried.

Chair Robbins read **agenda item #10: Consideration of Plats: a. 2016plat004: "Plat of Lots 1 and 2 of Kodiak Addition in the SE1/4 Section 3, T109N, R48W of the 5th P.M., Brookings County, South Dakota."** Robert Rochel moved to approve the plat. Kim Elenkiwich second. Chair Robbins opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "This is for the plat where Kodiak Pork, LLC the swine CAFO (Confined Animal Feeding Operation) that was approved on April 5th, 2016 will be located. It will be located on 33.39 acres, the Lot 1 portion. Lot 2 is the future site of an electrical substation for the Kodiak Pork, LLC swine operation. A transfer will take place and the utility company will actually own that piece of property (Lot 2) and they will be applying for a conditional use permit for the substation. The plat

meets all the platting requirements and the 2016 Comprehensive Plan Unincorporated Rural Area Land Use statement on page 24 for Agriculture Land Use.” Mr. Haugen then used visuals to further describe the plat. Chair Robbins opened up for discussion from the board. Hearing none he opened up for discussion from the audience, seeing none. Chair Robbins asked the board for questions or comments, hearing none he called for a roll call vote: Vande Weerd-aye, Spence-aye, Jensen-aye, Elenkiwich-aye, Pierce-aye, Rochel-aye, Nelson-aye, Kleinjan-aye, Robbins-aye. 9-ayes and 0-nays, motion carried.

Chair Robbins then read **agenda item # 11: Department Reports**. Chair Robbins asked Mr. Hill for his Directors report. Mr. Hill stated, “First, the Brookings County Commission and my department would like to welcome Mr. Vande Weerd to the board. Secondly, usually June thru August is an extremely busy time and I am out of the office, so please send me an email or leave any message with Rae Lynn to get a hold of me. Finally, all the subcommittees have been working hard and it will be interesting to hear reports from the subcommittees.” Mr. Hill then asked for a representative from the three subcommittees to give a brief summary of how things are progressing. Jeff Robbins gave the Lake Park subcommittee report, Terrell Spence gave the Natural Resources/Commercial subcommittee report and Kimberly Elenkiwich gave the Agriculture subcommittee report. New board member Michael Vande Weerd was assigned to the Agriculture subcommittee.

Chair Robbins then asked Luke Muller for comments regarding the subcommittees and working on the Ordinance. Mr. Muller noted that he has been in contact with office staff and subcommittees at various time and welcomes any questions and would enjoy helping at any level.

Chair Robins asked for a motion to adjourn. Darrel Kleinjan made a motion to adjourn the meeting, Randy Jensen, second. Chair Robbins called for a voice vote. 9-ayes, 0-nays,

Chair Robbins adjourned the meeting at 9:13 PM.

Rae Lynn Maher
Brookings County
Development Department.